



STATE OF DELAWARE
JUSTICE OF THE PEACE COURT NO. 13
1010 CONCORD AVENUE
CONCORD PROFESSIONAL CENTER
WILMINGTON, DELAWARE 19802

TELEPHONE: (302) 577-2550

SYSTEM ID: @2489520
GUL LLC
9 PLEASANTWOOD RD
NEWARK, DE 19702

VS.

Civil Action No.: JP13-17-004981

SYSTEM ID: @2960511 / @2960512
MARCEL DONNEL COLES / LATISHIA R BOWDEN COLES
911 KIRKWOOD ST
WILMINGTON DE 19801

Appearances:

Plaintiff GUL LLC appeared through Form 50 Agent Mohammad Wais Gul
Defendant Marcel Donnel Coles appeared pro se
Defendant Latishia R. Bowden Coles appeared pro se.

Before: Lee, D.C.M.; Hanby, J.; Bawa, J.

Heard: July 14, 2017
Decided: August 2, 2017

**ORDER OF JUDGMENT
ON TRIAL DE NOVO**

July 14, 2017. Plaintiff GUL LLC is represented by Form 50 Agent Mohammad Wais Gul. Defendants Marcell Donnel Coles and Latishia Bowden appear pro se. The matter presently before the Panel is an Appeal of an Order entered June 23, 2017 in a summary possession action brought by Plaintiff against Defendants. On June 25, 2017, Plaintiff/Appellant filed a timely appeal of the Judgment. Deputy Chief Magistrate Bonita Lee, Judge James Hanby, and Judge Nina Bawa constituted the Panel on appeal. This is the Panel's decision.

Plaintiff seeks unpaid rent and late fees from May 2017 through the present plus possession of the rental unit. Plaintiff sent two 5-day notices pursuant to 25 Del. C. § 5502 on April 14, 2017 via certificates of mail.

Defendants seek a counterclaim due to conditions of the unit, including unsanitary and unsafe conditions of the bathroom, kitchen, crack in the ceiling, front door that does not shut properly, yard.

stairs, rodents and dining room wall. Defendants assert that they notified Plaintiff of the problems with the unit and Plaintiff failed to repair the problems.

On the case-in-chief, the Court finds that the Plaintiff met the burden of proof in showing that rent is owed for May 2017 through the present. The Court finds \$1434.00 is owed to Plaintiff for overdue rent and late fees. Judgment is entered in favor of Plaintiff GUL LLC against Defendants Marcell Donnel Coles and Latishia Bowden in the amount of \$1434.00 plus \$40.00 court costs plus possession plus \$25.80 per diem rent.

On the counterclaim, the Court finds for Defendant. After careful consideration of the testimony and evidence presented, the Court finds that the tenant was unable to fully enjoy the unit due to the conditions of the unit. Therefore, pursuant to 25 Del. C. § 5306, the rent shall abate in the amount of one month of rent plus the security deposit. The Court therefore awards a rent abatement to Defendant in the amount of \$1600.00. Judgment in favor of Defendants Marcell Donnel Coles and Latishia Bowden against Plaintiff GUL LLC in the amount of \$1600.00.

The Court applies a preponderance of the evidence standard. A net judgment is awarded to Defendants Marcell Donnel Coles and Latishia Bowden against Plaintiff GUL LLC in the amount of \$126.00 plus 6.75% post-judgment interest per annum. Possession and \$25.80 per diem rent is awarded to Plaintiff GUL LLC against Defendants Marcell Donnel Coles and Latishia Bowden.

IT IS SO ORDERED this 02nd day of August, 2017


BONITA N. LEE

Deputy Chief Magistrate


(for) JAMES R. HANBY, SR.

Justice of the Peace


NINA M. BAWA

Justice of the Peace

